

| | | |
|--|---|---------------------|
| • STATE OF MICHIGAN _____ JUDICIAL CIRCUIT COUNTY | REQUEST AND WRIT FOR NON-PERIODIC GARNISHMENT FOR CHILD SUPPORT (FINANCIAL INSTITUTION DATA MATCH) | • CASE NO. |
| Court address | • Zip code | Court telephone no. |

| | | |
|---|---|---|
| • Plaintiff (aka payee) name and address • Office of Child Support • FIDM Central Enforcement Unit • PO Box 30355 • Lansing, Michigan 48909-7855 • Telephone no. (866) 438-8117 | v | • Defendant (aka payer) name and address • Social security no. _____ Account no. _____ Garnishee name and address |
|---|---|---|

REQUEST

1. Defendant was ordered to pay child support to plaintiff. The support order or its last modification is dated _____.
 2. The amount of the unpaid support (an unsatisfied judgment by operation of law) now due is • \$_____.
 3. The Office of Child Support knows or with good reason believes garnishee is indebted to or possesses or controls property belonging to defendant.
 4. **The Office of Child Support requests** a writ of non-periodic garnishment.
- I declare that the statements above are true to the best of my information, knowledge, and belief.

Date

Signature

WRIT OF GARNISHMENT**To be completed by the court. See other side for additional information and instructions.**

TO THE OFFICE OF CHILD SUPPORT: Provide all copies of the disclosure form (FOC 98), 2 copies of this writ for service on the garnishee, and any applicable disclosure fee. If disclosure states the garnishee holds property **other than money** belonging to the defendant, you must move the court within 56 days after the disclosure is filed for an order to apply the property toward support.

TO THE DEFENDANT (PAYER):

1. Do not dispose of any negotiable instrument representing a debt of the garnishee or any negotiable instrument of title representing property in which you claim an interest held in the possession or control of the garnishee.
2. You have **14 days** after this writ is mailed or delivered to you to file objections with the court. If you do not take this action within this time, without further notice, the property or debt held under this writ may be applied to the judgment **28 days** after this writ was mailed or delivered to the garnishee.

TO THE GARNISHEE:

1. Within **7 days** after you are served with this writ, you must deliver a copy of this writ to the defendant (payer) in person or mail a copy to his or her last known address by first class mail.
2. Deliver no tangible or intangible property and pay no obligation to the defendant unless allowed by statute or court rule.
3. Within **14 days** after you are served with this writ, you must deliver or mail copies of your verified disclosure (form FOC 98) to the court, Office of Child Support, and defendant. A default may be entered against you for failure to comply with this order.
4. If indebted to the defendant, you must withhold an amount not to exceed the amount of the judgment stated in item 2. of the request. Payment of withheld funds must be made **28 days** after you are served with this writ unless notified that an objection has been filed.

You are ordered to make the payment withheld under this writ payable to the State Disbursement Unit. Mail it to: MiSDU, PO Box 30350, Lansing, Michigan 48909-7850.

5. If you hold property other than money belonging to the defendant, do not transfer it until further order of the court.
6. If you receive more than one garnishment for the same defendant on the same date and the amount of property you hold is insufficient to satisfy all of the garnishments each garnishment shall be paid a proportionate share of the property based on the ratio the amount of the judgment in each case bears to the total of all the judgments for the defendant.

Date of issue

Expiration date

Clerk

MCL 552.625b, MCL 600.4011 et seq., MCR 3.101

NON-PERIODIC GARNISHMENTS

Additional Instructions for the Defendant:

1. This writ has been issued because there is a judgment against you which you have not paid. In order to collect on this judgment, income due you may be withheld or property belonging to you may be taken from you and sold.
2. You may object to this garnishment if:
 - a. Your income is exempt from garnishment by law;
 - b. You have a pending bankruptcy proceeding;
 - c. The maximum withheld exceeds the amount allowed by law;
 - d. You have an installment payment order;
 - e. You have paid the judgment in full;
 - f. The garnishment was not properly issued or is otherwise invalid.
3. Certain income is exempt from garnishment and the law gives you the right to claim this income as exempt to prevent it from being used to collect on this judgment. The following are examples of some types of income that are exempt from garnishment and the citations where each type may be found in the law. This is not intended as a complete list. You may want to contact your lawyer or legal aid agency for further assistance.

EXAMPLES OF INCOME EXEMPT FROM GARNISHMENT

The following are examples of **some** of the types of income that are exempt from garnishment and the citations where each type may be found in the law. **Please note that this is not intended as a complete list. You may want to contact your lawyer or legal aid agency for further assistance.**

- Social Security Benefits - [42 USC, Section 407]
- Supplemental Security Income Benefits (SSI) - [42 USC, Section 1383(d)]
- Aid to Families with Dependent Children (AFDC) - [MCL 400.63]
- General Assistance Benefits (GA) - [MCL 400.63]
- Unemployment Compensation Benefits - [MCL 421.30]
- Veterans Assistance Benefits - [38 USC, Section 3101]
- Workers' Compensation Benefits - [MCL 418.821]
- The first \$500.00 on deposit in a savings and loan savings account - [MCL 491.628]
- Cash value or proceeds of life insurance or annuity, payable to the spouse or children of the insured - [MCL 500.2207(1)]
- Income benefits under the Michigan Civil Service Act - [MCL 38.40]
- Income benefits under the Michigan Retirement Act - [MCL 421.30]
- U.S. Civil Service Retirement Benefits - [5 USC, Section 8346]

PROOF OF SERVICE

**REQUEST AND WRIT FOR
NON-PERIODIC GARNISHMENT**
Case No. _____

TO PROCESS SERVER: You must serve the garnishee with 2 copies of the request and writ of garnishment, a disclosure form, and any applicable fee and file proof of service with the court clerk as directed by the Office of Child Support. If you are unable to complete service, you must return this original and all copies to the court clerk.

CERTIFICATE / AFFIDAVIT OF SERVICE / NON-SERVICE

☐ **OFFICER CERTIFICATE**

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party [MCR 2.104(A)(2)], and that: (notary not required)

OR

☐ **AFFIDAVIT OF PROCESS SERVER**

Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notary required)

☐ I served 2 copies of the request and writ of garnishment, a disclosure form, and any applicable fee by:

☐ personal service ☐ registered or certified mail (copy of return receipt attached) on:

| | | |
|----------------|-----------------------------|-----------------|
| Garnishee name | Complete address of service | Day, date, time |
| | | |

☐ I have personally attempted to serve the request and writ of garnishment, a disclosure form, and any applicable fees on the garnishee defendant and have been unable to complete service.

| | | |
|----------------|---------------------------------|-----------------|
| Garnishee name | Complete address(es) of service | Day, date, time |
| | | |

| | | | |
|-------------|----------------|-------------|-----------|
| Service fee | Miles traveled | Mileage fee | Total fee |
| \$ | | \$ | \$ |

Signature _____

Title _____

Subscribed and sworn to before me on _____, _____ County, Michigan.
Date

My commission expires: _____ Date Signature: _____
Deputy court clerk/Notary public

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received 2 copies of the request and writ of garnishment, a disclosure form, and any applicable fee on

Day, date, time

Signature on behalf of _____